

**Harlan E. Jones**, OSB # 85054  
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Attorneys for Defendant Knecht's Northwest, Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

**LILLIE ENRIQUEZ, kna LILLIE JOHNSON,**

Plaintiff,

v.

**KNECHT'S NORTHWEST, INC., a domestic  
business corporation, individually and dba  
KNECHT'S AUTO PARTS, and doing business  
as KNECHT'S DISCOUNT AUTO PARTS, and  
KAPCO UNITED, INC., a domestic business  
corporation, individually and dba KNECHT'S  
AUTO PARTS, and dba KNECHT'S  
DISCOUNT AUTO PARTS,**

Defendants.

Case No. 05-6382-TC

DEFENDANT KNECHT'S  
NORTHWEST, INC.'S NOTICE OF  
REMOVAL OF ACTION:  
UNDER 28 U.S.C. §1441(b)  
(FEDERAL QUESTION)

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that defendant Knecht's Northwest, Inc. hereby removes to  
this Court the state court action described below.

1. On October 27, 2005, an action was commenced in the Marion County Circuit  
Court, entitled *Lillie Enriquez, kna Lillie Johnson v. Knecht's Northwest, Inc., et al.*, as case  
number 05C-20240, a copy of the Complaint is attached hereto as Exhibit A.

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60000 1022  
NOTICE OF REMOVAL OF ACTION: UNDER  
28 U.S.C. §1441(b) (FEDERAL QUESTION) - Page 1

2. The first date upon which defendant Knecht's Northwest, Inc. received a copy of the said complaint was November 28, 2005, when defendant was served with a copy of the said complaint and a summons from the said state court. A copy of the summons is attached hereto as Exhibit B.

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1331, and is one which may be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. §1441(b) in that it arises under 42 U.S.C. §2000(e), *et seq.*

4. To the best of this counsel's knowledge, neither defendant Kapco United, Inc. nor any of its subsidiaries, have been served with Summons and Complaint in the Marion County Circuit Court case.

Dated this 16 day of December, 2005.

JORDAN SCHRADER PC

By: 

**HARLAN E. JONES**

OSB # 85054

Telephone: (503) 598-7070

Facsimile: (503) 598-7373

harlan.jones@jordanschrader.com

**Attorney(s) for Defendant Knecht's  
Northwest, Inc.**

CERTIFIED TO BE A TRUE COPY  
 OF ATTORNEYS FOR PL.

CLERK OF DISTRICT COURT  
 Marion County, Oregon  
 OCT 27 2005  
 FILED

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
 FOR THE COUNTY OF MARION

LILLIE ENRIQUEZ, kna LILLIE  
 JOHNSON,

Plaintiff,

v.

KNECHT'S NORTHWEST, INC., a  
 domestic business corporation,  
 individually and dba KNECHT'S AUTO  
 PARTS, and dba KNECHT'S  
 DISCOUNT AUTO PARTS, and KAPCO  
 UNITED, INC., a domestic business  
 corporation, individually and dba  
 KNECHT'S AUTO PARTS, and dba  
 KNECHT'S DISCOUNT AUTO PARTS,  
 Defendants.

Case No. 05C 20240  
 Judge:

COMPLAINT (Violation of Title VII;  
 Intentional Infliction of Emotional  
 Distress; Wrongful Discharge

NOT SUBJECT TO MANDATORY  
 ARBITRATION

JURY TRIAL DEMANDED

Plaintiff alleges that at all material and relevant times herein:

NATURE OF THE ACTION

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, *et seq.*, as amended by the Civil Rights Act of 1991, to secure Plaintiff's rights and the rights of other employees to work in environments free from sexual harassment and discrimination, to secure fair treatment and equal opportunity in the work place for Plaintiff and other similarly situated employees, and to make Plaintiff whole. Defendants discriminated against Plaintiff by terminating Plaintiff due to her reporting of sexual harassment. Defendants engaged in a pattern and practice of creating and maintaining a hostile work environment and retaliating against Plaintiff for complaining and resisting such environment. The Court has concurrent jurisdiction over this claim.

2. This is also an action for money damages under state law for wrongful discharge and intentional infliction of emotional distress.

### PARTIES

3. Plaintiff, **Lillie Enriquez, nka Lillie Johnson** (hereinafter "Plaintiff"), at all relative times, was and is a resident and citizen of Marion County, Oregon.

4. At all relevant times, Defendants, **KNECHT'S NORTHWEST, INC.**, and **KAPCO UNITED, INC.** were and are domestic business corporations, organized pursuant to the laws of the State of Oregon, with their principal place of business located at 3400 Main Street, Springfield, Oregon, and were and are doing business as **Knecht's Auto Parts** and **Knecht's Discount Auto Parts**. (hereinafter collectively referred to as "Defendants"). Said Defendants operate stores selling auto parts and accessories in various cities, including the store located at 4101 River Road N. Keizer, Marion County, Oregon, which employs multiple persons at the River Road N. location.

### JURISDICTION AND VENUE

5. This court has concurrent jurisdiction over the subject matter of this complaint. This action is brought under the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, *et seq.*

6. The jurisdiction of this Court is invoked to secure protection of and to redress deprivation of rights guaranteed by federal law, which rights provide for injunctive and other relief for unlawful discrimination in employment.

7. This court has jurisdiction over Plaintiff's state law claims set forth in this complaint. Both the federal and state claims alleged herein arose from a common nucleus of operative facts, the state actions are so related to the federal claims that they form part of the same case or controversy, and the actions would ordinarily be expected to be tried in one judicial proceeding.

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1           8. As set forth herein, Plaintiff was a citizen of Marion County, State of Oregon at  
2 material times.

3           9. The employment practices alleged herein were committed in Marion County,  
4 Oregon. Venue is proper in this Court.

### 5                                   PROCEDURAL REQUIREMENTS

6           10. On December 6, 2004, Plaintiff filed her sexual harassment charges with the Civil  
7 Rights Division of the Oregon Bureau of Labor & Industries (hereinafter "BOLI") for its  
8 investigation. BOLI in turn forwarded Plaintiff's charges to the Equal Employment Opportunity  
9 Commission (hereinafter "EEOC"), pursuant to its work share agreement in accordance with 42  
10 U.S.C. §2000e *et seq.* On July 29, 2005, the EEOC issued its Notice of Suit Rights and this  
11 action is filed within 90 days of receipt of EEOC's notice.

### 12                                   FACTUAL ALLEGATIONS

13           11. Plaintiff is an adult female individual and a citizen of the United States who, at all  
14 times relevant herein, resided in Marion County, Oregon.

15           12. At all relevant times herein, Defendants were located and doing business in Marion  
16 County, Oregon. Defendants duly registered the name of Knecht's Auto Parts and Knecht's  
17 Discount Auto Parts. Defendants are and, at all times relevant hereto, were domestic business  
18 corporations organized pursuant to the laws of the State of Oregon, with their principal place of  
19 business at 3400 Main Street, Springfield, Oregon 97478. At all times relevant hereto,  
20 Defendants engaged in an industry affecting commerce and employed more than fifteen (15)  
21 regular employees in the business of selling shoes and shoe products. Defendants operates stores  
22 in Marion County, Oregon, including that located at 4101 River Road N., Keizer, Oregon. Each  
23 Defendant is an "employer" as that term is defined in 42 U.S.C. §2000e, *et. seq.*

24           13. Plaintiff, who is a female, belongs to a class which is protected from discrimination  
25 under 42 U.S.C. §2000e *et seq.*

26       ///

14. In October, 2003, Plaintiff was hired by Defendants as a inventory management clerk and counter person for Defendants' auto parts store located at 4101 River Road N., Keizer, Marion County, Oregon. Plaintiff worked at the Keizer store until Plaintiff's termination, which was on May 15, 2004.

15. At all relevant times herein, Richard "Chardo" Young was Store Manager of Defendants' Keizer, Oregon store and was Plaintiff's direct supervisor and was in a supervisory capacity over Plaintiff. Young was at all times acting within the scope of his actual, implied and apparent authority as Plaintiff's supervisor.

16. Beginning in October, 2003, and continuing for the duration her employment, Plaintiff was subjected to unwanted and unwelcome comments and conduct of a sexual nature or sexual innuendo by Richard "Chardo" Young. The sexual comments and conduct were undesirable, unwanted, unwelcome and offensive to Plaintiff, were not provoked by any conduct on the part of Plaintiff, and were because of Plaintiff's sex, which is female. The comments and conduct of Richard "Chardo" Young were sexual in nature and include, but are not limited to, the following:

- a. Shortly after Plaintiff began working for Defendants, Young asked Plaintiff what size of uniform shirt to order for Plaintiff. Instead of taking Plaintiff's word for her size, Young put his hand up the back of Plaintiff's shirt towards Plaintiff's collar, touching Plaintiff's skin as he did so and pulling Plaintiff's shirt open in such a way so that Young could see down both the back and front of Plaintiff's shirt. Young looked down Plaintiff's shirt, read the tag and then walked off;
- b. Plaintiff confronted Young after the incident and told him that his behavior was inappropriate and offensive; Young laughed at Plaintiff and told her that she was being childish; Plaintiff also reported the incident to Wes Elliot, the District Manager, who said he would investigate the incident. Shortly thereafter, Richard

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Young warned Plaintiff about going to the district manager and threatening consequences if further complaints were made regarding Mr. Young's conduct.

- c. Richard Young constantly stared at Plaintiff, looking her up and down as if mentally undressing her;
- d. Young constantly tried to hold Plaintiff's hand;
- e. Young continually came up behind Plaintiff as she stood at the computer, leaned against her and pressed his groin area against Plaintiff's buttocks;
- f. Young told sexual jokes in the workplace;
- g. Young continually tried to change the schedule so that he was working alone with Plaintiff.
- h. Young subjected another female employee to sexual comments and conduct, such as rubbing himself against her and looking down the front of her shirt - - comments overheard and conduct observed by other employees. When Plaintiff confronted Young regarding the inappropriate behavior towards the other female employee, Young told Plaintiff to "Just grow up and deal with it."

17. At all times material hereto, Plaintiff repeatedly and continually resisted and rejected and objected to Young's sexual comments and conduct. Plaintiff told Young to stop, and Plaintiff complained to the store's Assistant Manager and to Wes Elliot, the District Manager. Young ridiculed Plaintiff for objecting to his behavior and told her not to take complaints to the District Manager or anyone outside the Keizer store or disciplinary action would result. Defendants failed to take prompt, appropriate or effective remedial measures to end the harassment of Plaintiff and/or to protect Plaintiff from further harassment. Defendants had knowledge that Young had previously sexually harassed female employees.

18. On May 15, 2004, Young terminated Plaintiff after Plaintiff again complained to Young about the hostile work environment. Said termination was in retaliation for Plaintiff's complaints.

1 **FIRST CLAIM FOR RELIEF**

2 (Violation of Title VII, 42 U.S.C. §2000e, *et seq.*, Federal Civil Rights)

3 19. Plaintiff incorporates by reference the allegations of paragraphs 1 through 18 as  
4 though fully set forth herein.

5 20. Defendants are engaged in an industry affecting commerce, and have employed 15  
6 or more employees for each working day in each of 20 or more calendar weeks in the current or  
7 preceding calendar year.

8 21. The harassment of Plaintiff, as alleged above, affected the terms, conditions and  
9 privileges of Plaintiff's employment and the conduct and comments were sufficiently severe and  
10 pervasive that said conduct and comments altered the conditions of employment, interfered with  
11 Plaintiff's ability to perform her job, and created a hostile, intimidating, offensive and abusive  
12 working environment. As a result of the continuing harassment, Plaintiff suffered emotional  
13 distress, loss of enjoyment of life, mental anguish and mental pain and suffering.

14 22. Defendants, through their agents, knew or should have known, and did know of the  
15 sexual harassment by Young, as alleged herein, and of Plaintiff's objection to said harassment.  
16 Defendants failed to take prompt, appropriate or effective remedial action to end the harassment  
17 or prevent future harassment in the workplace. As a result of Defendants' inaction and  
18 Defendants' inadequate and ineffective remedial and preventive actions, Plaintiff was subjected to  
19 further unwanted sexual harassment by Young.

20 23. The harassment of Plaintiff, as alleged above, and the failure of Defendants to take  
21 prompt, appropriate and remedial action to end the harassment, as alleged above, affected the  
22 terms, conditions and privileges of Plaintiff's employment and were sufficiently severe and  
23 pervasive that said conduct and omissions created a hostile, intimidating offensive and abusive  
24 working environment. As a result of the continuing harassment, Plaintiff suffered emotional  
25 distress and mental anguish.

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Page 6 - COMPLAINT - ENRIQUEZ JOHNSON

CALLAHAN & STEVENS  
Attorneys at Law  
P.O. Box 20937  
Keizer, Oregon 97307-0937  
(503) 390-4133 • FAX (503) 390-4369

EXHIBIT A  
PAGE 6 OF 12



24. All acts, omissions and conduct of Young, the Store Manager, and Elliot, District Manager, were within the course and scope of their positions and duties with Defendants and/or were performed in connection with the exercise of supervisory authority. The comments and conduct of Young, the Store Manager, and Elliot, District Manager, constituted an extraordinary transgression of the bounds of socially tolerable conduct.

25. Defendants engaged in the sexual harassment and discriminatory practices and terminated Plaintiff with malice or with reckless indifference to Plaintiff's federally protected rights and with serious disregard for the consequences of their actions.

26. Defendants' conduct in harassing, discriminating against and in discharging Plaintiff violates Title VII of the Civil Rights Act of 1964, as amended. Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs alleged herein and this action for damages is her only means of securing adequate relief. Plaintiff is suffering and will continue to suffer irreparable injury as a result of the acts of Defendants.

27. Defendants' conduct in discriminating against and in discharging Plaintiff violates Title VII of the Civil Rights Act of 1964, as amended. Defendants knew or should have known of Young's unlawful conduct as Plaintiff's supervisor and a store manager of Defendants. Plaintiff told Young that his conduct was unwanted and inappropriate, but Young did not cease his comments or conduct. Plaintiff advised other managers of said harassment. Defendants failed to develop and/or implement a policy for investigating and preventing sexual harassment. Plaintiff is suffering and will continue to suffer irreparable injury as a result of the acts of Defendants. Defendants are therefore liable for the offensive and hostile work environment created and any injuries resulting therefrom.

28. The conduct alleged above has directly and proximately caused severe mental and emotional distress and physical pain, as well as shame, humiliation, embarrassment, loss of self

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1 esteem, interference with normal and usual activities, inconvenience and loss of enjoyment of  
 2 life, entitling Plaintiff to compensatory damages in the maximum allowable under Title VII, as  
 3 amended by the Civil Rights Act of 1991, 42 U.S.C. §1981A, which is \$300,000.

4 29. As the sole, direct and proximate result of the conduct by Defendants alleged  
 5 herein, and the retaliatory, wrongful discharge, Plaintiff has incurred economic losses in the form  
 6 of lost wages to date in the amount of \$16,758. Said wage loss is continuing and will continue  
 7 into the future, entitling Plaintiff to front pay in an amount to be determined at trial.

8 30. Defendants' conduct as described herein was willful, malicious and oppressive, and  
 9 done with a conscious disregard of or with a reckless indifference to Plaintiff's rights and with the  
 10 knowledge of an employer's economic power over the employees. Plaintiff should be awarded  
 11 punitive damages in the maximum amount allowed under Title VII and 42 U.S.C. § 1981.

12 31. Plaintiff has been required to hire an attorney to prosecute this action and has  
 13 incurred attorney fees and costs and will be required to retain expert witnesses, entitling her to an  
 14 award of her reasonable costs, including attorney fees and expert witness fees incurred herein,  
 15 pursuant to 42 U.S.C. § 2000e, *et seq.*

## 17 SECOND CLAIM FOR RELIEF

### 18 (Wrongful Discharge)

19 32. Plaintiff realleges paragraphs 1 through 31 as if fully set forth herein.

20 33. Plaintiff was employed by Defendants and was satisfactorily performing all job  
 21 duties. Plaintiff was discharged on May 15, 2004.

22 34. Plaintiff pursued an important employee-related right by resisting sexual  
 23 harassment and discrimination on the job, and by opposing sexual harassment and discrimination  
 24 on the job, which rights are of importance to the public interest as indicated by federal and state  
 25 statutes and case law.

26 ///

35. Defendants maintained intolerable and oppressive work conditions and a hostile work environment, and Plaintiff exercised her right to protest and resist sexual harassment and discrimination on the job.

36. Defendants failed to take prompt or effective remedial measures to end the harassment of Plaintiff and to protect her from further harassment by Richard Young, the Store Manager, Plaintiff's supervisor and agent of Defendants. Defendants deliberately and intentionally maintained the intolerable, oppressive and hostile work conditions. Defendants' stated reasons for Plaintiff's discharge were pre-textual and were in retaliation for Plaintiff's reporting of, objecting to and resisting sexual harassment.

37. The rights of Plaintiff, as set forth in paragraph 34, above, are not fully and adequately protected by other existing remedies.

38. The conduct alleged above has directly and proximately caused Plaintiff severe mental and emotional distress, as well as shame, humiliation, embarrassment, loss of self-esteem, interference with normal and usual activities, and loss of enjoyment of life, all to her non-economic damage in the amount of \$750,000.

39. As the sole, direct and proximate result of the conduct by Defendants alleged herein, Plaintiff has incurred economic losses in the form of lost wages to date in the amount of \$16,758. Said wage loss is continuing, entitling Plaintiff to an award of front pay in an amount to be determined at trial.

40. Defendants' conduct was willful, wanton and in reckless disregard of Plaintiff's rights and Defendants' obligations. Plaintiff intends to seek an order of this Court allowing amendment of this Complaint to allege punitive damages.

### THIRD CLAIM FOR RELIEF

#### (Intentional Infliction of Emotional Distress)

41. Plaintiff realleges paragraphs 1 through 40, set forth above, as if fully set forth herein.

1           42. Plaintiff and Defendants were in the "special relationship" of employer and  
2 employee.

3           43. While employed at Defendants' automotive parts/accessories store and from  
4 approximately October, 2003, until Plaintiff's discharge on May 15, 2004, Plaintiff was subjected  
5 by Defendants to conduct and comments inflicting severe mental and emotional distress, which  
6 conduct and comments included in part, but were not limited to, that outlined above in  
7 paragraph 16.

8           44. Defendants' actions and omissions, enumerated above, constituted an extraordinary  
9 transgression from the bounds of socially tolerable conduct and exceed the limits of what is  
10 tolerated in regular social or business interactions.

11           45. Defendants intended that their conduct caused the effects alleged above, or at least  
12 acted with a deliberate disregard of a high degree of probability that such acts would cause mental  
13 and emotional distress.

14           46. All acts and omissions of Defendants and their agents were within or perceived to  
15 be within the course and scope of employment and within the actual, implied and apparent  
16 authority of said agents, and were motivated in whole or in part by a purpose to serve  
17 Defendants, and/or were performed in connection with the exercise of supervisory authority. The  
18 comments and conduct of Defendants constituted an extraordinary transgression of the bounds of  
19 socially tolerable conduct.

20           47. The conduct alleged above has directly and proximately caused Plaintiff severe  
21 mental and emotional distress, as well as shame, humiliation, embarrassment, loss of self-esteem,  
22 interference with normal and usual activities, and loss of enjoyment of life, all to her non-  
23 economic damage in the amount of \$750,000.

24           48. As the sole, direct and proximate result of the conduct by Defendants alleged  
25 herein, Plaintiff has incurred economic losses in the form of lost wages to date in the amount of  
26 ///

1 \$16,758. Said wage loss is continuing, entitling Plaintiff to an award of front pay in an amount  
2 to be determined at trial.

3 49. Defendants' conduct was willful, wanton and in reckless disregard of Plaintiff's  
4 rights and Defendants' obligations. Plaintiff intends to seek an order of this Court allowing  
5 amendment of this Complaint to allege punitive damages.

6 50. Plaintiff demands a jury trial for all issues so triable.  
7

8 **WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:  
9

10 On her **FIRST CLAIM FOR RELIEF (Title VII):**

- 11 a. Compensatory damages in the amount of \$300,000, plus interest;  
12 b. Economic damages in the form of lost wages in the amount of \$16,758;  
13 c. Economic damages in the form of front pay in an amount to be determined at trial;  
14 and  
15 d. Plaintiff's reasonable attorney fees, prejudgment interest, expert witness fees and  
16 costs incurred herein, pursuant to 42 U.S.C. §42000e, *et seq.*  
17

18 On her **SECOND CLAIM FOR RELIEF (Wrongful Discharge):**

- 19 a. Non-economic damages for mental and emotional distress in the amount of  
20 \$750,000;  
21 b. Economic damages in the amount of \$16,758, representing lost wages, plus  
22 interest thereon, and front pay in an amount to be determined at trial; and  
23 c. Plaintiff's costs and disbursements incurred herein.  
24

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On her **THIRD CLAIM FOR RELIEF (Intentional Infliction of Emotional Distress):**

- a. Non-economic damages for mental and emotional distress in the amount of \$750,000;
- b. Economic damages in the amount of \$16,758, plus front pay in an amount to be determined at trial; and
- c. Plaintiff's costs and disbursements herein.

DATED this 26<sup>th</sup> day of October, 2005.

CALLAHAN & STEVENS



Sharon Stevens, OSB #78088  
Of Attorneys for Plaintiff

Trial Attorneys: Sharon Stevens, OSB #78088  
Jerry Kleen, OSB #63044

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MARION

LILLIE ENRIQUEZ, kna LILLIE	)	
JOHNSON,	)	Case No. 05c-20240
	)	Judge: Lipscomb
Plaintiff,	)	
	)	
and	)	SUMMONS
	)	
KNECHT'S NORTHWEST, INC., a	)	
domestic business corporation,	)	
individually and dba KNECHT'S AUTO	)	
PARTS, and dba KNECHT'S	)	
DISCOUNT AUTO PARTS, and KAPCO)	)	
UNITED, INC., a domestic business	)	
corporation, individually and dba	)	
KNECHT'S AUTO PARTS, and dba	)	
KNECHT'S DISCOUNT AUTO PARTS,	)	
	)	
Defendants.	)	

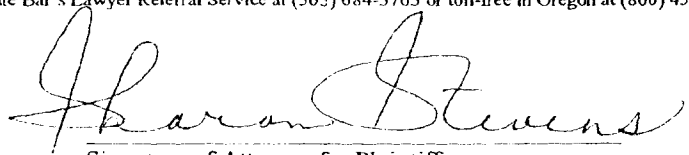
TO: Knecht's Northwest, Inc., individually and dba Knecht's Auto Parts, and dba Knecht's Discount Auto Parts by and through its registered agent:

Jeffrey A. Hanson  
3400 Main Street  
Springfield, OR 97477

You are hereby required to appear and defend the Complaint filed against you in the above entitled cause, within 30 days from the date of service of this Summons upon you, and in case of your failure to do so, for want thereof, Plaintiff will apply to the court for the relief demanded in the Complaint.

**NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY**


You must "appear" in this case or the other side will win automatically. To "appear", you must file with the court a legal paper called a "Motion" or "answer". The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the Plaintiff's attorney or, if the Plaintiff does not have an attorney, proof of service upon the Plaintiff. If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.




Signature of Attorney for Plaintiff  
Sharon Stevens, OSB #78088  
CALLAHAN AND STEVENS  
P.O. Box 20937, Keizer, OR 97307-0937 (503) 390-4133

STATE OF OREGON, County of Marion )ss.

I, the undersigned attorney of record for the Plaintiff, certify that the foregoing is an exact and complete copy of the original Summons in the above entitled action.

  
Attorney of Record for Plaintiff

TO THE OFFICER OR OTHER PERSON SERVICE THIS SUMMONS: You are hereby directed to serve a true copy of this Summons, together with a true copy of the Complaint mentioned therein, upon the Defendant or to whom or which this Summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.

  
Attorney for Plaintiff

### PROOF OF SERVICE

STATE OF OREGON )  
 )ss.  
County of \_\_\_\_\_ )

I hereby certify that I made service of the foregoing Summons and Complaint upon the within named Defendant(s), by delivering or leaving a true copy of said Summons and the Complaint mentioned therein, certified to be such by the attorney for the Plaintiff, as follows:

#### Personal Service Upon Individual(s)

By delivering such true copy to the Defendant personally, and in person, at \_\_\_\_\_  
on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

#### Substituted Service Upon Individual(s)

By delivering such true copy at Defendant's dwelling house or usual place of abode, to wit:  
to \_\_\_\_\_, who is a person over the age of 14 years and a member of the household of the Defendant on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

#### Office Service Upon Individual(s)

By leaving such true copy at the office which the Defendant maintains for the conduct of business at \_\_\_\_\_, with \_\_\_\_\_  
the person who is apparently in charge, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m.



Service on Corporations, Limited Partnerships, or Unincorporated Associations  
Subject to Suit Under a Common Name

Upon \_\_\_\_\_, by  
(Name of corporation, limited partnership, etc.)

- (a) delivering such true copy, personally and in person, to \_\_\_\_\_, who is a/the  
\_\_\_\_\_ thereof, OR
- (b) leaving such true copy with \_\_\_\_\_, the person who is apparently in charge  
of the office of \_\_\_\_\_, who is a/the \_\_\_\_\_ thereof;  
at \_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ m.

I further certify that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon, and that I am not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise; that the person, firm or corporation served by me is the identical person, firm or corporation named in the action.

DATED \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

**CERTIFICATE OF SERVICE**

I hereby certify that on the date shown below, I served a true and correct copy of the foregoing **NOTICE OF REMOVAL OF ACTION: UNDER 28 U.S.C. §1441(b)**

**(FEDERAL QUESTION)** on:

Sharon Stevens  
Callahan & Stevens  
PO Box 20937  
Keizer OR 97307-0937  
Facsimile: (503) 390-4369

Attorneys for Plaintiff

- ☒ by first class mail, postage prepaid.  
☐ by hand delivery.  
☐ by facsimile transmission.  
☐ by facsimile transmission and first class mail, postage prepaid.  
☐ \_\_\_\_\_.

DATED: December 16, 2005.

\_\_\_\_\_  
Harlan E. Jones, OSB # 85054  
Attorneys for Defendant Knecht's Northwest, Inc.